

# CHANGES TO CANADIAN BOATER LANDING PERMIT PURSUANT TO IMMIGRATION AND NATIONALITY ACT

Mr. HOKE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4165) to provide for certain changes with respect to requirements for a Canadian boater landing permit pursuant to section 235 of the Immigration and Nationality Act, as amended.

The Clerk read as follows:

H.R. 4165

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. CANADIAN BORDER BOAT LANDING PERMIT.

Notwithstanding any other provision of law, not later than 180 days after the date of the enactment of this Act, the Attorney General, in consultation with the Commissioner of Immigration and Naturalization, shall issue revised regulations for the implementation of section 235 of the Immigration and Nationality Act with respect to the requirement that individuals travelling between the United States and Canada by boat obtain a permit which is consistent with the following guidelines:

(1) An individual may request a form to apply for the permit through Immigration and Naturalization Service offices, the mail, or an internet address.

(2) The Immigration and Naturalization Service shall establish a toll-free information number to provide information and respond to inquiries regarding the permit, including how to obtain the forms, where to file the forms, and the cost of the permit.

(3) In consultation with the chief executive officers of States where individuals affected by the permit requirement reside, develop alternate procedures for acquiring the necessary permits, including in conjunction with State fishing and boat licenses.

(4) In the case of a boat of no more than 65 feet in length (including a boat used for commercial purposes) on a trip between the United States and Canada of not more than 72 hours duration, a United States citizen passenger (who is neither an owner nor operator of the boat) need not obtain a permit pursuant to section 235 of the Immigration and Nationality Act if carrying the same proof of U.S. citizenship as currently required by INS for U.S. citizens making land surface crossing between the United States and Canada for the duration of the trip.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. HOKE] will be recognized for 20 minutes, and the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to say at the outset that I want to thank my colleague from Ohio, Mr. TRAFICANT, for his help in crafting this legislation and getting it to the floor. The gentleman knows very well, probably better than anyone in this House, how the heavy hand of Government can get in the way of people's lives.

Mr. Speaker, I have a statement for the RECORD that I am going to submit, but I will very, very briefly describe this piece of legislation that might

more appropriately or as appropriately be a candidate for a Corrections Day calendar, as it is designed to move forward with respect to legislation or regulations that were put into place by the INS with respect to the Canadian border boat landing permit.

What this legislation does essentially is that it makes it possible for United States citizens who are either fishermen or pleasure boaters making trips into Canadian waters or to Canadian islands or Canadian land across the water boundaries that separate Canada and the United States, it facilitates the ease of either getting the I-68 form that is required, and it also waives the requirement of that form in the case of a situation where the pilot has the form and the other passengers have proof of American citizenship as otherwise required for normal land border crossings between the United States and Canada.

Mr. Speaker, I rise in strong support of H.R. 4165, legislation making certain changes in the Canadian Border Boat Landing Permit.

At the outset, I want to thank my colleague from Ohio, Mr. TRAFICANT, for his help in getting this bill to the floor. He knows—probably better than anyone else in this House—how the heavy hand of Government can reek havoc in people's lives.

For those who are not familiar with the Canadian Border Boat Landing Permit, let me summarize its history. The boat landing permit was created in 1968. In October 1995, however, the INS issued new regulations requiring every individual traveling between the United States and Canada by boat to obtain a permit—now known as the I-68 Form. And for the first time in the program's history, INS began charging a fee and imposing stiff penalties for non-compliance.

Permits are available only at INS offices during regular business hours. Applicants must apply in person and bring with them a fist-full of documents and their checkbooks. Individual permits cost \$16.00 with a family cap of \$32.00.

During the 1996 boating season, the first one since the new regulations took effect, it became apparent that the program is not operating efficiently or effectively.

In addition, the INS has been less than forthcoming with information about how to obtain forms. One constituent told me he spent 20 minutes on hold at the Cleveland INS office waiting for someone to answer his question.

And the heavy-handed tactics INS has been using to ensure compliance are big government at its worst: threatening boat confiscation and prolonged court proceedings requiring boaters to defend their citizenship.

Needless to say, this requirement has put quite a damper on the spontaneity of pleasure boaters and fisherman. Since many boaters use their vessels to entertain guests, a good host would certainly not ask his guests to foot the bill for a day of boating, thus making the cost of taking friends and extended family out for the day prohibitive for many.

Since the program began last October only 23,396 permits have been issued. And that is for all the Northern border states: Maine, New York, Ohio, Michigan, Illinois, Wisconsin, Minnesota, Washington, and Alaska. In Ohio alone there are over 385,000 registered boat-

ers. These statistics show that the I-68 has clearly had a chilling effect on boating activities.

The Hoke-Traficant legislation provides a common-sense solution.

It allows individuals to get forms through the mail or over the internet.

It directs the INS to operate a toll-free information line to answer questions about the program.

It directs the INS to work with state governments to develop other ways of streamlining the application process.

And, most importantly, it exempts from the requirement of purchasing a permit, law-abiding citizens traveling on small vessels for short trips if they have other proof of citizenship.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say as a strong supporter of tough immigration laws that we do not, however, need those type of strong laws and adverse regulations to affect our own American citizens.

This bill will not soften our immigration policy. It will lessen the burdensome regulations put on American fishermen and American recreational boaters. It will make it easier to obtain the I-68 form. It will make it available not only in INS offices but through the mail and on the Internet.

It would also require the INS to establish a toll-free information number to provide information about the program and how to obtain the forms and where to file those forms.

It will further streamline the ability to obtain permits, and the bill would direct the INS to work with State officials to develop alternate procedures as well.

Finally, the bill exempts American citizens from obtaining an I-68 form if they are traveling on a boat no more than 65 feet long, on a trip that lasts no longer 72 hours, and they carry a U.S. passport to prove their citizenship.

I want to compliment the gentleman from Ohio [Mr. HOKE] for the effort that he has made on this. The gentleman and my staff have worked closely together. We believe this is in the best interests of all, and it will take some of those adverse regulations and burdensome procedures and set them aside. It is certainly not perfect but a step in the right direction.

Mr. Speaker, I yield back the balance of my time.

MODIFICATION TO H.R. 4165 OFFERED BY MR.

HOKE

Mr. HOKE. Mr. Speaker, I ask unanimous consent to modify the version of the bill at the desk, striking out the handwritten language in the last two lines.

The SPEAKER pro tempore. The Chair would inquire of the gentleman, does he mean then to reinsert the stricken language replaced by the handwritten language?

Mr. HOKE. That is correct, Mr. Speaker.

The text of the modification is as follows:

Modification to H.R. 4165 offered by Mr. HOKE: On page 3, beginning on line 12, strike out "the same proof of U.S. citizenship as currently required by INS for U.S. citizens making land surface crossing between the United States and Canada for the duration of the trip." and insert "a United States passport for the duration of the trip."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. TRAFICANT. Mr. Speaker, I will not object.

There was no objection.

The SPEAKER pro tempore. Without objection, the motion is modified.

There was no objection.

Mr. HOKE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. HOKE] that the House suspend the rules and pass the bill, H.R. 4165, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to provide for certain changes with respect to requirements for a Canadian border boat landing permit pursuant to section 235 of the Immigration and Nationality Act."

A motion to reconsider was laid on the table.

□ 1330

#### TREATMENT OF CERTAIN FEDERAL EMPLOYEES AT FEDERAL HYDROELECTRIC FACILITY ON COLUMBIA RIVER

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3163) to provide that Oregon may not tax compensation paid to a resident of Washington for services as a Federal employee at a Federal hydroelectric facility located on the Columbia River.

The Clerk read as follows:

H.R. 3163

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. CLARIFICATION OF STATE AUTHORITY TO TAX COMPENSATION PAID TO CERTAIN FEDERAL EMPLOYEES.

(a) IN GENERAL.—Section 111 of title 4, United States Code, is amended—

(1) by inserting "(a) GENERAL RULE.—" before "The United States" the first place it appears, and

(2) by adding at the end the following new subsection:

"(b) TREATMENT OF CERTAIN FEDERAL EMPLOYEES EMPLOYED AT FEDERAL HYDROELECTRIC FACILITIES LOCATED ON THE COLUMBIA RIVER.—Pay or compensation paid by the United States for personal services as an employee of the United States at a hydroelectric facility—

"(1) which is owned by the United States, and  
 "(2) which is located on the Columbia River, and

"(3) portions of which are within the States of Oregon and Washington,

shall be subject to taxation by the State of Oregon or any political subdivision thereof only if such employee is a resident of such State or political subdivision."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to pay and compensation paid after the date of the enactment of this Act.

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to the rule, the gentleman from Pennsylvania [Mr. GEKAS] and the gentlewoman from California [Ms. LOFGREN] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3163 and urge its adoption.

We have a very unique situation which this bill will address and which, if passed, will cure. This is an anomaly whereby citizens of one State working near another State are being taxed by the other State, and they, the disaffected taxpayers, have been seeking relief from this problematic situation for a long, long time.

The States involved are the States of Washington and Oregon on the Pacific Coast. The Columbia River, which divides the two States, also is the site of several dam sites which employ people under the Federal aegis, thereby designating them as Federal employees. Yet the residents of Washington, bona fide residents of the State of Washington, have for a long time been paying Oregon taxes. Therein lies the problem.

We will shortly yield to the Members of Congress who know in detail and from a personal standpoint the diameter and the extent of this particular problem.

Mr. Speaker, I reserve the balance of my time, hoping to yield to them for a full explanation.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am not planning to object to this legislation, but I do think it is important to note that this bill is being brought up under a most unusual process and under procedures that do not allow for the appropriate degree of consideration by Members.

First, this bill is being brought to the House floor on less than 24 hours' notice. There is no reason for taking action in this manner. The bill was in the Judiciary Committee for more than 6 months without any action being taken whatsoever.

Second, we have absolutely no legislative record or background on the legislation before us. We do not know how many taxpayers will be affected, although it appears that it may affect only some 79 taxpayers. We do not know the current practice by the State of Oregon for taxing these individuals and do not know how much money this will cost the State of Oregon.

It is ironic that a Congress that began the session solemnly declaring its opposition to unfunded Federal mandates on the States would end the session by passing an unfunded man-

date on the State of Oregon. Because of this unusual expedited process, we have no CBO scoring letter, so we are completely in the dark about the degree of the mandate.

Congress should be very careful in adopting special laws that limit State taxation prerogatives. At a time when we are sending more and more responsibility to the States, we need to preserve maximum flexibility for them.

We need to be particularly careful when we adopt laws of special applicability that provide a benefit to only a small number of individuals, as this bill does. This may be the right thing to do in these circumstances, but unfortunately we do not have enough information to make that determination in a thoughtful, prudent manner.

Given the late hour, I do not expect that we will seek a record vote on this bill, but I am certainly hopeful that in the future we can utilize a more deliberative and serious process when adopting a bill such as this. We owe this much to our constituents.

This is a very bad process that would not be tolerated were it not for the complications of today's anticipated adjournment and the need to adopt an emergency spending measure to avoid another Government shutdown Monday, and also, I might add, because I fully expect that the Senate will undoubtedly kill this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. GEKAS. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. HASTINGS].

Mr. HASTINGS of Washington. I thank the gentleman for yielding me this time.

Mr. Speaker, this legislation is really what I would characterize as common-sense legislation because no American citizen should be forced to pay taxes in two separate States at the same time. But that is exactly what is happening to several dozen Army Corps of Engineers workers in the Pacific Northwest.

The State of Oregon has mistakenly determined that it has the authority to impose its Oregon income tax on 79 corps employees who live in Washington State. These workers do not work in Oregon. They do not cross into Oregon during the workday. In fact, many of them work entirely on the Washington side of the Columbia River, and seldom, if ever, step onto the four dams which separate the two States.

This is not the first time this issue has come before Congress. Several years ago, we had a similar concern for the tax treatment of Federal employees working for Amtrak. They frequently would travel into other States, and those States had attempted to impose their State tax, in addition to the State tax of the State of residence. Congress recognized that this double taxation was unfair, and corrected the problem in the Amtrak Improvement Act of 1990.